Alternative Compliance Program requires Copermittees to document as part of their land development record the facts that support off-site controls (pollutant and hydromodification) for each participating project. The record must document:

Priority Development Project

a. Maximum use of Low Impact Development design principals
b. The amount of pollutant load reduction achieved by flow-through treatment BMPs to treat that portion of the pollutant load in the design capture volume not retained on site (provision E.3.c(1)(b) Regional MS4 Permit)
c. Flow-through treatment BMPs must be designed to treat the design storm
d. Flow-through treatment BMPs must ranked high or medium pollutant removal efficiency for the PDPs most significant pollutant

"If a Priority Development Project can utilize alternative compliance, flow-thru treatment control BMPs must be implemented to treat the portion of the design capture volume that is not reliably retained onsite. Flow-thru treatment control BMPs must be sized and designed in accordance with Provisions E.3.c.(1)(a)(ii)[a]-[c]."

Stream Restoration/Rehabilitation Alternative Compliance Project (ACP)

a) Cannot require extended management
b) Can be located within waters of the US and State, provided sufficient pretreatment occurs (pretreatment is accomplished by a combination of source control plus LID plus flow-through treatment BMPs at the PDP) Flow-through treatment of pollutants at the PDP is required as part of the alternative compliance program (ACP). Flow through treatment at the PDP + ACP = Maximum Extent Practicable (MEP). Flow-through treatment onsite BMPs treat pollutants to a high or medium level prior to leaving the PDP. This level of treatment in addition to the Stream Restoration Project (ACP) would equal MEP.
c) Will support functions and services that include use, assimilation, transformation, and uptake of constituents considered pollutants when transported from its source by storm water runoff to receiving waters
d) Does not relieve a Copermittee of their responsibilities to implement source control and pollution prevention measures as part of its development planning pollutant control program

Not Acceptable Alternative Compliance InStream Project Aka Instream Treatment BMP	Likely Acceptable Alternative Compliance InStream Project
Adding concrete, hardened surfaces, or structures to streams	Reestablishment of streams by removing concrete or other hardened surfaces or structures
Construction of a series of low-grade control structures that create a series of artificial hydrological impoundments for treating urban runoff that has not be pretreated through LID or other flow-through treatment system	Construction of a series of low-grade natural control structures designed to re-establish a natural channel gradient and correct excessive changes to the sediment transport regime caused by urbanization
Reconfigure stream side slopes to increase bank full depth allowing additional flow to *only* maximize treatment of pollutants	Restore hydrologic connections between the stream and its floodplain, restore riparian habitat by reconfiguring stream side slopes to reduce vertical banks
Enhancement or invasive species removal only	Rehabilitation of streams to repair natural/historic functions and services. Include invasive species removal, grading, and re-planting
Stream- and wetland-restoration and stabilization projects[2] with primary design targeted at accommodating anthropogenic flows where LID has not been maximized, increasing biochemical, and habitat conditions that is minorly supportive of stream beneficial uses without an overall net water quality benefit to the subwatershed or watershed	Construct multipurpose stream- and wetland-restoration and stabilization projects[2] with primary design targeted at re-establishing natural hydrological, biochemical, and habitat conditions supportive of stream beneficial uses and would also successfully use, assimilate, transform, and uptake nutrients, bacteria, and other constituents considered pollutants when transported from its source by storm water runoff to receiving waters with an overall net water quality benefit to the subwatershed or watershed
Maintenance that would remove/damage/decrease the function and services of the restoration project	Minimal maintenance to remove trash, debris, and invasive species. Require monitoring (typically 5 years) and until established and self-sustaining
Placing structural hydromodification controls within a stream to accommodate flow regime changes caused by new developments or to create a pollution treatment zone within the channel	In-stream hydromodification controls where urban streams have already been adversely affected by the effects of hydromodification, intended to restore natural hydrological and sediment transport conditions of the channel, which in turn would improve water quality conditions[3]
Modifying or adding flood control structures to increase flood capacity and not reducing the negative effects on water quality caused by those structures	Modifying or removal of flood control structures to reduce the negative effects on water quality caused by those structures

Notes:

1. The extraction of water from waters of the State may be subject to water rights permitting from the State Water Board.
2. Projects will need to be evaluated on a case by case basis. Projects will generally be subject to CWA section 404 permitting and associated review by the San Diego Water Board under CWA section 401.
3. For Example, Narco Channel Restoration Project in the City of Laguna Niguel is an example of a retrofitted flood control structure that was located within a water of the U.S. Narco Channel is an urban stream that was highly modified during urbanization. Retrofitting the channel was necessary because poor sediment transport in the modified flood control channel resulted in a decrease flood conveyance capacity and nuisance conditions from excessive ponding. This project includes the restoration and enhancement of approximately 1,000 linear feet of the channel where it emerges as a trapezoidal channel downstream from a 4,000-foot long concrete box culvert. The project was designed to improve hydrological conditions and restore native habitat conditions by grading back a portion of the upper trapezoidal channel. The project will improve water quality conditions, but was not designed to turn the channel into an urban runoff treatment BMP.

1. Finding 7
    a. Intended to prevent conversion of waters of the US and State into waste treatment facilities
    b. Intended to restrict the location of treatment facilities (those that require routine maintenance)
    c. Does not prevent restoration of natural hydrological, biochemical, and habitat functions

2. San Diego Water Board considers the following actions restoration of beneficial uses not treatment facilities:

    a. Re-establishment of aquatic habitat connectivity
    b. Revegetation, restoration, creation of riparian area
    c. Removal of invasive species
    d. Create or increase buffer
    e. Add or increase stream sinuosity